

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DOUGLAS HANDSHOE

PLAINTIFF

VS.

CIVIL NO.: 1:15cv382-HSO-JCG

VAUGHN PERRET, *et al.*

DEFENDANTS

MOTION FOR CONTINUANCE

COMES NOW, Kenneth T. O’Cain, Esq., counsel for Charles Leary through the Special Entry of Appearance previously filed, and files this his motion for continuance with respect to the pretrial conference and hearing on Leary’s previously filed Motion for Sanctions Under the Mississippi Litigation Accountability Act and the Court’s Inherent Authority, scheduled for Thursday, January 24, 2019, and would show unto the Court the following, to-wit:

1. The undersigned counsel has very recently been retained to represent Charles Leary in this matter. A Special Entry of Appearance has been filed, knowing that a conflict exists with the undersigned counsel’s schedule with that of the January 24, 2019 hearing scheduled by the Court, as well as the trial scheduled the week of February 4, 2019. However, the entry of appearance was made in order to allow access to the ECF and enable the undersigned counsel to file the instant motion.

2. That the undersigned counsel is scheduled to be in trial in the Circuit Court of Hinds County, Mississippi on January 24, 2019, at which time this hearing has been scheduled. As such, it is impossible for Mr. Leary’s counsel to be present for the hearing. Additionally, the Defendant would request

additional time in which to file his Rebuttal to Plaintiff's response to the Defendant's motion. Furthermore, the undersigned is scheduled for trials in Madison County Chancery Court and Yazoo County Chancery Court the week of February 4, 2019, which is the week this matter is set for trial.

3. That the undersigned counsel, on behalf of Charles Leary, would respectfully request this Court to grant a continuance in order to afford Mr. Leary the right to have counsel represent him at said hearing and trial, which would be impossible otherwise. Defendant would further request this continuance be allowed in order to afford Defendant an opportunity to file a Rebuttal to Plaintiff's response [Doc. 336]. The undersigned counsel would warrant that this motion is not being filed for any improper purpose and it is not being filed to intentionally delay this Court's proceedings in this case.

WHEREFORE, PREMISES CONSIDERED, Kenneth T. O'Cain, for and on behalf of Charles Leary, Defendant herein, would respectfully request this Court grant the continuance requested for the reasons set forth herein.

Respectfully submitted, this the 21st day of January, 2019.

CHARLES LEARY

BY: s/Kenneth T. O'Cain
Kenneth T. O'Cain, Esq.

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, Kenneth T. O'Cain, counsel for the Defendant, Charles Leary, do hereby certify that I have this day filed the foregoing Motion for Continuance in this cause of action through the ECF filing system, which forwarded copies via electronic means to the ECF participants as assigned and associated with this cause of action. The undersigned would further state that he has sent the motion to the Plaintiff, Douglas Handshoe, via electronic means at earning04@gmail.com.

So certified this the 21st day of January, 2019.

s/Kenneth T. O'Cain
Kenneth T. O'Cain